IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 20737 of 2000

Between:

1 Nandini Savitri W/o Bulli Venkata Rao
R/o D.No.5-1, Duddukuru Village,
Devarapalli Mandal, West Godavari District.
2 Karuturi Surya Rao S/o Peda Subbarao
R/o D.No.2-155, Duddukuru Village,
Devarapalli Mandal, West Godavari District.

..... PETITIONERS

AND

1 The Chief Controller of Explosives
Block-A, C.G.O., Complex, Siminory Hills,
Nagpur-440006.
2 The District Collector,
Eluru, West Godavari District.
3 The Superintendent of Police
Eluru, West Godavari District.
4 M/s S.R.B.Explosives
Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the second Respondent in D.Dis.No.11758/99 (C3) dated 19-9-2000 directing the first Respondent not to issued licence in favour of M/s S.R.B. Explosives, Nalgonda to establish magazine in survey no. 410/1 in Bandapuram Village of Devarapalli Mandal, in West Godavari District of A.P., basing on the NO OBJECTION CERTIFICATE issued by the 2nd Respondent and such other consequential and appropriate orders as the Hon'ble Court may deem fit and proper under the circumstances of the case in the interests of justice and public safety and protection.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.1 Mr. B. Narayan Reddy

Counsel for the Respondents 2 & 3: GP FOR REVENUE

Counsel for the Respondent No. 4: K.K. Mahender Reddy

The Court made the following :

ORAL ORDER:

Questioning the proceedings dated 19-9-2000 issued by the 2nd respondent i.e. issuance of No Objection Certificate in favour of 4th respondent for installation of explosive magazine in the land covered by Sy. No. 4120/1 of Bandapuram village in Devarapalli Mandal of West Godavari District for possession and for other purposes, the petitioners filed the present writ petition.

The contention of the petitioners is that the respondents have not followed the procedure prescribed under rule 156 of the Explosives Rules, 1983 framed under the Explosives Act, 1984 and that the respondents have not called for the objections by notifying the application submitted by the 4th respondent, but simply granted No Objection Certificate to the 4th respondent for installation of explosive magazine in the said land, which will cause harm to the general public.

Heard the learned counsel for the petitioners and also the learned Government Pleader for Revenue. Perused the material placed before me.

As can be seen from the record, No Objection Certificate was granted in the year 2000. The writ petition is also of the year 2000. However, at the time of admission of the matter, no order of stay of operation of the impugned proceedings was granted by this Court. Therefore, I am of the view that due to passing of time and by virtue of the No Objection Certificate issued by the authorities, the 4th respondent might have established the explosive magazine on the said land.

Therefore, I do not want to interfere with the matter at this length of time and hence the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. No costs.

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kvsn 22-06-2005

To

1 The Chief Controller of Explosives
Block-A, C.G.O., Complex, Siminory Hills, Nagpur-440006.
2 The District Collector,
Eluru, West Godavari District.
3 The Superintendent of Police
Eluru, West Godavari District

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

5 Two CD copies.